

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NUMBER 1:20CV66

JANE ROE,)
)
Plaintiff,)
)
v.)
)
UNITED STATES OF AMERICA, et al.,)
)
<u>Defendants.</u>)

**DEFENDANTS’ MOTION FOR FURTHER EXTENSION OF TIME
TO FILE OPPOSITION TO PLAINTIFF’S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

On behalf of Defendants United States of America, Judicial Conference of the United States, Administrative Office of the United States Courts; United States Court of Appeals for the Fourth Circuit; Judicial Council of the Fourth Circuit; Federal Public Defenders’ Office; Chief Judge Roslynn R. Mauskopf, Director James C. Duff, General Counsel Sheryl L. Walter, Chief Judge Roger L. Gregory, Circuit Executive James N. Ishida, and Federal Public Defender Anthony Martinez, in their official capacities, (collectively, “Defendants”), the undersigned counsel hereby move the Court for a further extension of time of four days to file their opposition to Plaintiff’s Motion for Partial Summary Judgment Against the Official

Capacity and Entity Defendants, ECF No. 60. Defendants propose a new deadline of October 2, 2020.

Defendants' response was originally due on August 31, 2020, and Defendants previously moved for a 28-day extension of time. As Defendants explained in that motion, Defendants required additional time to gather relevant documents and obtain declarations from various witnesses because Plaintiff filed her summary judgment motion prior to the start of discovery, while Defendants' motions to dismiss remain pending.

A modest additional extension of time of four days is necessary to finalize the declarations, exhibits, and Defendants' opposition brief. Plaintiff's complaint in this case contains over 500 paragraphs of allegations and therefore the declarations must address many factual assertions. Accordingly, some of the declarations are lengthy and have required more time than expected to prepare. Defendants also require additional time to incorporate facts from the declarations and exhibits and otherwise finalize their opposition brief.

Before the opposition is filed, it must undergo an important review process at the Civil Division of the Department of Justice, the United States Attorney's Office for the Western District of North Carolina, and the Office of General Counsel at the Administrative Office of United States Courts. At least one supervisor who will need to review the final brief will be out of the office on September 28 for religious

observances. Furthermore, counsel must coordinate with the numerous defendants, including several high-level judicial branch officials, about the factual representations and legal positions taken in the opposition. These processes are complicated by an unprecedented national health emergency during which various counsel and officials are teleworking. Defendants need additional time to ensure there is sufficient time for these processes to occur.

Finally, Defendants' counsel have been and are currently contending with many other litigation commitments in other federal court matters. For instance, one of Defendants' counsel yesterday filed an opposition to a motion for reconsideration in a case in the Northern District of California, and has spent a great deal of time this week working on a summary judgment opposition due on September 28 in a case pending in the Northern District of Illinois, and is overseeing a document production due today in another matter in the Eastern District of Washington. For all these reasons, good cause supports this motion, and the Court should extend the deadline for Defendants' summary judgment opposition brief until October 2, 2020.

Pursuant to Local Civil Rule 7.1(b)(2), the undersigned conferred with Plaintiff's counsel regarding this Motion. Plaintiff's counsel stated "under the circumstances, Plaintiff's counsel opposes Defendants' extension request."

This the 25th day of September, 2020.

Respectfully submitted,

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